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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,254	01/04/2002	Thierry Valet	60559-301701	9462

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EXAMINER

PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/040,254

Examiner

Jeff Piziali

Applicant(s)

VALET, THIERRY

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 24 October 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.



Continuation of 4(e) Other:

The Applicant is thanked for the 'Response to Notice of Non-Compliant Amendment' (filed 24 October 2007). However, plural seemingly non-compliant issues have been discovered in the paper, requiring attention before examination may continue.

C.F.R. § 1.121(c)(2) requires, "All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of 'currently amended,' and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived."

The 'Response to Notice of Non-Compliant Amendment' (filed 24 October 2007) improperly uses strike-through to show deletion of five or fewer consecutive characters when strike-through cannot be easily perceived (e.g., see Page 3; Claim 9, Line 2; and Claim 10, Line 3).

The applicants are respectfully reminded to use double brackets to show deletion of five or fewer consecutive characters, as required by C.F.R. § 1.121.

Continuation of 5 Other:

The previous 'Notice of Non-Compliant Amendment' (mailed 24 July 2007) found the 'Remarks/Arguments' section of the 'Amendment' (filed 26 September 2005) to be non-compliant.

The examiner thanks the Applicants for responding by now submitting additional remarks/arguments in the 'Response to Notice of Non-Compliant Amendment' (filed 24 October 2007).

However, the 'Response to Notice of Non-Compliant Amendment' (filed 24 October 2007) appears to be designed as an addendum to the non-complaint 'Remarks/Arguments' section of the 'Amendment' (filed 26 September 2005). This is improper.

Because the 'Remarks/Arguments' section of the 'Amendment' (filed 26 September 2005) was deemed non-compliant, the entire content of this section is no longer recognized as a part of the official prosecutorial record. Therefore, the examiner cannot consider, examine, or respond to the non-complaint 'Remarks/Arguments' section of the 'Amendment' (filed 26 September 2005).

The 'Response to Notice of Non-Compliant Amendment' should function as a full replacement of the non-complaint 'Remarks/Arguments' section of the 'Amendment' (filed 26 September 2005).

Therefore, the applicant is respectfully encouraged to submit at least a new corrected 'Remarks/Arguments' section which incorporates the content of the 'Remarks/Arguments' section of the 'Amendment' (filed 26 September 2005) along with the corrected content of the 'Response to Notice of Non-Compliant Amendment' (filed 24 October 2007).

By such reasoning, this Notice of Non-Compliance is deemed necessary and proper at this time.

Please note: The response not been checked to the extent necessary to determine the presence of all possible non-compliance errors. If additional issues of non-compliance are discovered at the time of a subsequent response, yet another Notice of Non-Compliant Amendment will be necessitated. Applicant's cooperation is requested in correcting any other errors of which Applicant may become aware.



Jeff Piziali
31 December 2007